

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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**Terri Pechner-James and
Sonia Fernandez**

FILED
JUL 12 2005
C.A. #03-12499MLW

V

City of Revere et al.

Plaintiffs Opposition to Defendants Motion To File Memorandum in Support of their
Motion for Summary Judgment in Excess of twenty pages and Order.

Now come the Plaintiffs, Terri Pechner-James and Sonia Fernandez, and state the following in opposition to the Defendant's motion:

1. Any motion for summary judgment in this matter is premature. The pleadings filed to date include but is not limited to Plaintiffs Request for *Rooker-Feldman* Ruling and Further Instructions.
2. The *Rooker-Feldman* doctrine is jurisdictional and bars relitigation of matters already decided in a state forum.
3. The Plaintiffs injury and its causation have been determined in a state forum. The Defendants did not appeal from those determinations. Those determinations are final and they are inextricably intertwined with every count of the Plaintiffs complaint.
4. The Defendants planned motion for summary judgment is not only inappropriate at this time, See Brown & Root Incorporated v Breckenridge, 211 F3d 194, 198 (4th Cir. 2000) but it does not require a document in excess of the limit provided by the Federal Rules of Civil Procedure.

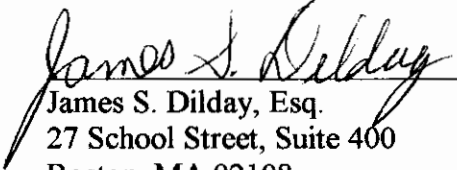
WHEREFORE, the Plaintiff respectfully request:

1. That this court deny the Defendants request for leave to file a memorandum in support of their intended motion for summary judgment in excess of twenty pages;

2. Plaintiffs further request that this Court find that the limits provided by the Federal Rules of Civil Procedure are adequate to deal with any motion for summary judgment; and

3. That any motion for summary judgment is premature until this court has ruled on the *Rooker-Feldman* doctrine.

Respectfully submitted
Terri Pechner-James and
Sonia Fernandez


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CERTIFICATE OF SERVICE

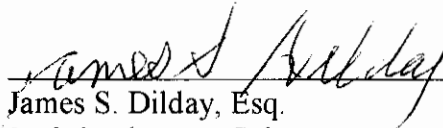
I hereby certify that I have served upon the parties listed below the following documents:

1. Plaintiffs Opposition to Defendant Motion for Relief from Time Limits for Depositions Set Forth in Fed. R. Civ. P. 30(d)(2);
2. Plaintiffs Opposition to Defendants Motion To File Memorandum in support of their Motion for Summary Judgment in Excess of twenty Pages and Order.

by mailing first class mail, postage prepaid:

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